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November 20, 2003

RECEIVED

NOV 25 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
C/o Vistronix, Inc.
236 Massachusetts Ave., N.E.
Suite 110
Washington, DC 20002

Re: Petition for Declaratory Ruling to add AMAZONAS-1 at 61°WL to the
Commission's Permitted Space Station List

Dear Ms. Dortch:

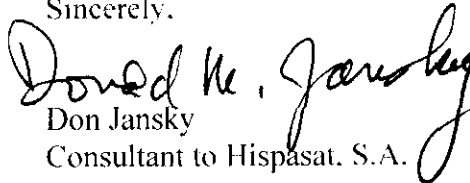
On behalf of Hispasat, S.A., and pursuant to Sections 1.2, 25.114 and 25.137 of the Commission's rules, there are submitted herewith an original plus four copies of a Petition for Declaratory Ruling to add the AMAZONAS-1 satellite at 61°WL to the Commission's Permitted Space Station List.

Although the satellite is not yet in orbit it is contracted to be launched during the second quarter of 2004 (June 2004), has the concession to operate this satellite from the Brazilian government, and meets the requirements set forth in Amendment of the Commission Space Station Licensing Rules and Policies (Satellite Licensing Reform). Adopted April 23, 2003. (IB Docket No. 02-34).

Also included are an FCC Form 312 and relevant technical and financial attachments.

Should there be any questions regarding the attached materials, please contact the undersigned.

Sincerely,


Don Jansky
Consultant to Hispasat, S.A.

cc: John Martin
Jay Whaley


11/20/03
Liberty

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554**

In the Matter of)
) File N° _____
HISPAMAR SATÉLITES, S.A.)
)
Petition for Declaratory Ruling to Add)
AMAZONAS Satellite at 61° W L to the)
Commission's Permitted Space Stations List)

To: International Bureau

PETITION FOR DECLARATORY RULING

HISPAMAR SATÉLITES, S.A. (hereinafter HISPAMAR SATÉLITES) by representative and pursuant to Section 25.137 of the Commission's rules and the *DISCO II First Reconsideration Order*, hereby respectfully requests that the Commission add the AMAZONAS-1 satellite at 61°W.L. to the Permitted Space Station List, for the provision of services from the United States covered by the Commission WTO Basic Telecommunications Agreement ("WTO Telecom Agreement). An FCC Form 312 application, together with exhibits providing the information required under Section 25.114 and 25.137 of the Commission's rules, are attached hereto. Grant of this petition will serve the public interest by maintaining an existing competitive service option in addition to providing consumers with more alternatives in choosing communications service providers and services, reducing prices and facilitating technological innovation.

AMAZONAS-1, is based on both the Brazilian SBTS-B3 and B-SAT-Q ITU-R's satellite network filings and will be launched during the 2nd Quarter 2004 [June 2004] (See Statement included in Appendix 1). It will be operated at 61° W.L. orbital location. Operation of the AMAZONAS-1 satellite has successfully been coordinated with United States following the ITU's procedures.

Grant of this petition will permit all U.S. earth stations, in the 14.0-14.25 GHz/11.7-12.2 GHz frequency bands and in the 5925-6425/3700-4200 MHz frequency bands, with an "ALSAT" designation to enjoy services available from AMAZONAS-1.

Such grant also will permit HISPAMAR SATÉLITES to offer its capacity to provide service to the US market from the 61 W.L. orbital location. As demonstrated in this petition and the accompanying attachments, AMAZONAS-1 satisfies all legal and technical requirements for US service.

I AMAZONAS Meets the Requirements for Inclusion on the Permitted Space Stations List.

In the *DISCO II first Reconsideration Order*, the Commission stated that it will grant a declaratory ruling request by a foreign satellite operator regarding provision of C-band and

Ku-band service in the United States -and include operator's satellite on the Permitted Space Stations List - where the request is accompanied by information demonstrating compliance with Section 25.137 of the Commission's rules. In that Order, the Commission

conclude[d] that US earth stations with ALSAT licenses should be permitted to communicate with any non-US satellite just as easily as they communicate with any US licensed satellite, provided that those communications do not cause harmful interference to or require protection from adjacent satellite operations, and otherwise comply with DISCO II.

The AMAZONAS satellite fully complies with the requirements applicable to US satellites and will not "cause harmful interference to or require protection from adjacent satellite operations". Furthermore, this petition includes all of the information required under Sections 25.114 and 25.137 and other relevant parts of the Commission's rules. Accordingly, HISPAMAR SATÉLITES urges the Commission to grant the instant petition and include AMAZONAS-1 on the Permitted Space Stations List.

Section 25.137(a). Section 25.137(a) requires that petitioners seeking to operate with a non-US licensed space station submit as an exhibit to their Form 312 applications a showing demonstrating that U.S.-licensed satellite systems have effective competitive opportunities to provide analogous services in the country in which the non-U.S. licensed space station is licensed, and all countries in which communications with the US earth station will originate and terminate. The AMAZONAS-1 satellite is owned by HISPASAT CANARIAS - a company owned hundred per cent by HISPASAT, S.A.- and operated by HISPAMAR SATÉLITES, which is based in Brazil. Brazil serves as notifying administration for purposes of international satellite coordination pursuant to the relevant provisions of the International Telecommunications Union (ITU) Radio Regulations. HISPAMAR has the concession from Anatel Brazil authorizing use of the 61°W orbit/spectrum resource. (See Appendix 1 and ANATEL website <http://www.anatel.gov.br>).

Section 25.137(b) Section 25.137(b) also requires petitioners to submit as exhibits to their Form 312 applications essentially the same legal, technical and financial information required of applicants seeking space station authorizations from the Commission in accordance with Part 25 of the Commission rules. Technical information for AMAZONAS-1, as required under Section 25.114 and 25.140(b) of the Commission's rules, is attached hereto as Attachment A to Form 312. In this context, HISPAMAR SATÉLITES emphasizes that operation of AMAZONAS-1 at 61°W.L. has been coordinated previously between the United States and Brazil. Finally, we have included financial information, as required under Sections 25.114(c) (17) and 25.140 (b) (3) & (4), as Attachment B to Form 312.

In its DISCO II Order, para. 7, the Commission "adopt a presumption that entry by WTO Member satellite systems will promote competition in the U.S. satellite services market". In this context, HISPAMAR SATÉLITES, like an operator licensed by Brazil, a Member of WTO, believes that serves the pro-competitives goals of Section 25.137 in order to be included on the Permitted Space Station list.

HISPAMAR SATÉLITES believes that Attachment B is sufficient to satisfy the Commission's financial showing requirement. Its main shareholder, HISPASAT, S.A., a company based in Spain will support the carried costs until the launch of the Amazonas Satellite. However, should the Commission conclude that this information is insufficient,

HISPAMAR SATÉLITES requests that the Commission grant a waiver of this requirement pursuant to Section 1.3 of the Commission's rules. A waiver would be consistent with both Commission precedent and the public interest. The primary purpose of the Commission's Fixed-Satellite Service financial requirement is to avoid awarding orbital locations to insufficiently financed applicants who will squander the orbital resource, while denying financially qualified applicants the opportunity to develop their systems. This concern is inapplicable here because HISPAMAR SATÉLITES is a subsidiary company hundred per cent owned by HISPASAT, S.A. which have already proved before the Federal Communication Commission its economical and financial capacity.

II Access to the US Market for AMAZONAS-1 Will Serve the Public Interest

Access by all U.S. earth stations with an ALSAT designation to AMAZONAS-1 would produce substantial public interest benefits. The availability of HISPAMAR SATÉLITES space segment to the U.S. Fixed-Satellite Service market will continue to stimulate lower prices, improve service quality, increase service options and foster technological innovation.

III Conclusion

Therefore, for the reasons set out above, HISPAMAR SATÉLITES respectfully requests that the Commission issue a declaratory ruling adding the AMAZONAS-1 satellite to the Permitted Space Station List.

Respectfully submitted,
HISPASAT, S.A.

By: _____
Donald Jansky
JANSKY/BARMAT TELECOM INC.
1120 19th Street, N.W. SUITE 333
WASHINGTON, D.C. 20036
November 24, 2003
Consultant to HISPASAT

FCC 312
Main Form

FEDERAL COMMUNICATIONS COMMISSION

APPLICATION FOR SATELLITE SPACE AND EARTH STATION AUTHORIZATIONS

Approved by OMB
3060-0678

Est. Avg. Burden Hours
Per Response: 11 Hrs.

FCC Use Only

File Number:

Call Sign:

Fee Number:

APPLICANT INFORMATION

1. Legal Name of Applicant HISPAMAR SATÉLITES, S.A.		2. Voice Telephone Number +55 21 98 58 22 55	
3. Other Name Used for Doing Business (if any)		4. Fax Telephone Number	
5. Mailing Street Address or P.O. Box Praia do Flamengo 200 - 17 andar Flamengo ATTENTION: Mr. Vicente Rubio Carretón		6. City Rio de Janeiro - RJ	
		7. State / Country (if not U.S.A.) Brazil	8. Zip Code 22210-030
9. Name of Contact Representative (If other than applicant) Mr. Donald Jansky		10. Voice Telephone Number 202 467 64 00	
11. Firm or Company Name Jansky/Barmat Telecommunications, Inc.		12. Fax Telephone Number 202 296 68 92	
13. Mailing Street Address or P.O. Box 1120, 19th Street NW- Suite 333 ATTENTION:		14. City WASHINGTON DC	
		15. State / Country (if not U.S.A.)	16. Zip Code 20036

CLASSIFICATION OF FILING

17. Place an "X" in the box next to the classification that applies to this filing for both questions a. and b. Mark only one box for 17a and only one box for 17b.			
<input type="checkbox"/> a1. Earth Station	<input type="checkbox"/> b1. Application for License of New Station	<input type="checkbox"/> b6. Transfer of Control of License or Registration	
<input checked="" type="checkbox"/> a2. Space Station	<input type="checkbox"/> b2. Application for Registration of New Domestic Receive-Only Station	<input type="checkbox"/> b7. Notification of Minor Modification	
	<input type="checkbox"/> b3. Amendment to a Pending Application	<input type="checkbox"/> b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite	
	<input type="checkbox"/> b4. Modification of License or Registration	<input type="checkbox"/> b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States	
	<input type="checkbox"/> b5. Assignment of License or Registration	<input checked="" type="checkbox"/> b10. Other (Please Specify): Petition for Declaratory Ruling pursuant to Section 47 CFR 25.137	
18. If this filing is in reference to an existing station, enter: Call sign of station: Not applicable		19. If this filing is an amendment to a pending application enter: (a) Date pending application was filed: Not applicable (b) File number of pending application: See Exhibit 1	

TYPE OF SERVICE

<p>20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Place an "X" in the box(es) next to all that apply.</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> a. Fixed Satellite</td> <td><input type="checkbox"/> c. Radiodetermination Satellite</td> <td><input type="checkbox"/> e. Direct to Home Fixed Satellite</td> <td><input type="checkbox"/> g. Other (please specify) _____</td> </tr> <tr> <td><input type="checkbox"/> b. Mobile Satellite</td> <td><input type="checkbox"/> d. Earth Exploration Satellite</td> <td><input type="checkbox"/> f. Digital Audio Radio Service</td> <td></td> </tr> </table>		<input checked="" type="checkbox"/> a. Fixed Satellite	<input type="checkbox"/> c. Radiodetermination Satellite	<input type="checkbox"/> e. Direct to Home Fixed Satellite	<input type="checkbox"/> g. Other (please specify) _____	<input type="checkbox"/> b. Mobile Satellite	<input type="checkbox"/> d. Earth Exploration Satellite	<input type="checkbox"/> f. Digital Audio Radio Service	
<input checked="" type="checkbox"/> a. Fixed Satellite	<input type="checkbox"/> c. Radiodetermination Satellite	<input type="checkbox"/> e. Direct to Home Fixed Satellite	<input type="checkbox"/> g. Other (please specify) _____						
<input type="checkbox"/> b. Mobile Satellite	<input type="checkbox"/> d. Earth Exploration Satellite	<input type="checkbox"/> f. Digital Audio Radio Service							
<p>21. STATUS: Place an "X" in the box next to the applicable status. Mark only one box.</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> a. Common Carrier</td> <td><input type="checkbox"/> b. Non-Common Carrier</td> </tr> </table>		<input checked="" type="checkbox"/> a. Common Carrier	<input type="checkbox"/> b. Non-Common Carrier						
<input checked="" type="checkbox"/> a. Common Carrier	<input type="checkbox"/> b. Non-Common Carrier								
<p>23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Mark only one box. Are these facilities:</p> <table border="0"> <tr> <td><input type="checkbox"/> a. Connected to the Public Switched Network</td> <td><input type="checkbox"/> b. Not connected to the Public Switched Network</td> </tr> </table>		<input type="checkbox"/> a. Connected to the Public Switched Network	<input type="checkbox"/> b. Not connected to the Public Switched Network						
<input type="checkbox"/> a. Connected to the Public Switched Network	<input type="checkbox"/> b. Not connected to the Public Switched Network								
<p>24. FREQUENCY BAND(S): Place an "X" in the box(es) next to all applicable frequency band(s).</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> a. C-Band (4/6 GHz)</td> <td><input checked="" type="checkbox"/> b. Ku-Band (12/14 GHz)</td> <td><input type="checkbox"/> c. Other (Please specify) _____</td> </tr> </table>		<input checked="" type="checkbox"/> a. C-Band (4/6 GHz)	<input checked="" type="checkbox"/> b. Ku-Band (12/14 GHz)	<input type="checkbox"/> c. Other (Please specify) _____					
<input checked="" type="checkbox"/> a. C-Band (4/6 GHz)	<input checked="" type="checkbox"/> b. Ku-Band (12/14 GHz)	<input type="checkbox"/> c. Other (Please specify) _____							

TYPE OF STATION

<p>25. CLASS OF STATION: Place an "X" in the box next to the class of station that applies. Mark only one box.</p> <table border="0"> <tr> <td><input type="checkbox"/> a. Fixed Earth Station</td> <td><input type="checkbox"/> b. Temporary-Fixed Earth Station</td> <td><input type="checkbox"/> c. 12/14 GHz VSAT Network</td> <td><input type="checkbox"/> d. Mobile Earth Station</td> <td><input checked="" type="checkbox"/> e. Space Station</td> <td><input type="checkbox"/> f. Other (Specify) _____</td> </tr> </table>		<input type="checkbox"/> a. Fixed Earth Station	<input type="checkbox"/> b. Temporary-Fixed Earth Station	<input type="checkbox"/> c. 12/14 GHz VSAT Network	<input type="checkbox"/> d. Mobile Earth Station	<input checked="" type="checkbox"/> e. Space Station	<input type="checkbox"/> f. Other (Specify) _____
<input type="checkbox"/> a. Fixed Earth Station	<input type="checkbox"/> b. Temporary-Fixed Earth Station	<input type="checkbox"/> c. 12/14 GHz VSAT Network	<input type="checkbox"/> d. Mobile Earth Station	<input checked="" type="checkbox"/> e. Space Station	<input type="checkbox"/> f. Other (Specify) _____		
<p>26. TYPE OF EARTH STATION FACILITY: Mark only one box.</p> <table border="0"> <tr> <td><input type="checkbox"/> a. Transmit/Receive</td> <td><input type="checkbox"/> b. Transmit-Only</td> <td><input type="checkbox"/> c. Receive-Only</td> </tr> </table>		<input type="checkbox"/> a. Transmit/Receive	<input type="checkbox"/> b. Transmit-Only	<input type="checkbox"/> c. Receive-Only			
<input type="checkbox"/> a. Transmit/Receive	<input type="checkbox"/> b. Transmit-Only	<input type="checkbox"/> c. Receive-Only					

PURPOSE OF MODIFICATION OR AMENDMENT

27. The purpose of this proposed modification or amendment is to: Place an "X" in the box(es) next to all that apply:

<input type="checkbox"/> a - authorization to add new emission designator and related service	<input type="checkbox"/> b - authorization to change emission designator and related service	<input type="checkbox"/> c - authorization to increase EIRP and EIRP density	<input type="checkbox"/> d - authorization to replace antenna	<input type="checkbox"/> e - authorization to add antenna	<input type="checkbox"/> f - authorization to relocate fixed station	<input type="checkbox"/> g - authorization to change assigned frequency(ies)	<input checked="" type="checkbox"/> h - authorization to add Points of Communication (satellites & countries)	<input type="checkbox"/> i - authorization to change Points of Communication (satellites & countries)	<input type="checkbox"/> j - authorization for facilities for which environmental assessment and radiation hazard reporting is required	<input type="checkbox"/> k - Other (Please Specify) _____
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ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules; 47 C.F.R. §§ 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications as an exhibit for new transmitting facilities, major modifications, or major amendments. Refer to OET Bulletin 65.

YES ☐ NO ☒

ALIEN OWNERSHIP

29. Is the applicant a foreign government or the representative of any foreign government?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
30. Is the applicant an alien or the representative of an alien?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
31. Is the applicant a corporation organized under the laws of any foreign government?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit, the identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.		
See Exhibit 1		

BASIC QUALIFICATIONS

35. Does the applicant request any waivers or exemptions from any of the Commission's Rules? If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
36. Has the applicant or any party to this application had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of the circumstances.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
37. Has the applicant, or any party to this application, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of the circumstances.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of the circumstances.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceeding two items? If Yes, attach as an exhibit, an explanation of the circumstances.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, addresses, and citizenship of those stockholders owning of record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.	See Exhibit 2	
41. By checking Yes, the undersigned certifies, that neither the applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. § 25.137, as appropriate. If no, proceed to question 43.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station? <u>BRAZIL</u>		

43. Description. (Summarize the nature of the application and the services to be provided).

The purpose of the application is to request addition of the AMAZONAS-1 at 61°W.L. to the Permitted Space Station List to allow all U.S. Ku-band and C- band earth stations to uplink to the satellite in the conventional Ku-band and C-band frequencies. Services to be provided are domestic and international services operating in FSS frequency bands.

Exhibit No.	Identify all exhibits that are attached to this application.
Attachment A	Technical Information
Attachment B	Financial Information
Exhibit 1	Shareholders
Exhibit 2	Board Directors

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Place an "X" in the box next to applicable response.)

☐ a. Individual ☐ b. Unincorporated Association ☐ c. Partnership ☒ d. Corporation ☐ e. Governmental Entity ☐ f. Other
(Please specify) _____

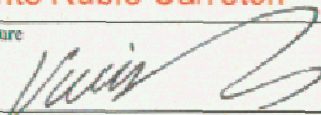
45. Typed Name of Person Signing

Vicente Rubio Carretón

46. Title of Person Signing

Director, Regulatory Affairs

47. Signature



48. Date

November 21, 2003

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).